

Meeting Minutes

March 23, 2006

Town of Los Altos Hills

City Council Regular Meeting

Thursday, March 23, 2006 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: Acting City Manager/Planning Director Carl Cahill, City Attorney Steve Mattas, Administrative Services Director Sarah Ragsdale, Director of Public Works/City Engineer Henry Louie and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to limit the length of time for public comments to two minutes.

PASSED BY CONSENSUS OF THE COUNCIL: To continue agenda items 6.1 and 7.1 to the next regularly scheduled Council meeting.

PASSED BY CONSENSUS OF THE COUNCIL: To add agenda items 9.2 and 9.3 to the consent calendar.

2. APPOINTMENTS AND PRESENTATIONS

None

3. PLANNING COMMISSION REPORT

Acting City Manager/Planning Director Carl Cahill reported that the Planning Commission at their March 16, 2006 meeting had considered a correction to a Tract map and reviewed the draft energy efficiency ordinance. Following review of the ordinance, the Commission had directed staff to amend several provisions of the ordinance and will consider the amended draft ordinance at their next regular meeting.

4. CONSENT CALENDAR

Item Removed: 9.2 (O'Malley),

- 4.1 Approval of Minutes: Regular City Council Meeting February 9, 2006
Regular City Council Meeting March 9, 2006
- 4.2 Review of Disbursements: 3/3/2006 – 3/15/2006 \$146,021.09
- 4.3 Approval of the One-Year Use Agreement Between the City of Los Altos and the Town of Los Altos Hills for the Continued Use of Teleminder
- 4.4 Cancellation of the Regular City Council Meeting of April 13, 2006
- 4.5 Request for Additional Funding for Horse Stables at Westwind Barn and Funding for Space in Byrne Preserve for the Year 'Round Riding Program and Summer Riding Camp
- 4.6 Approval of Ordinance 444 Amending the Zoning Map to Prezone Certain San Antonio Hills Area Property (SECOND READING)

Motion to Waive Further Reading Motion to Adopt the Ordinance
- 4.7 Approval of Amendment No.1 to Sewer Reimbursement Agreement between the Town of Los Altos Hills and Jayaram Bhat and Vani Bhat - Reso #21-06
- 4.8 Approval of Proposed Lease with Verizon Wireless (Leasee) and the Town of Los Altos Hills (Lessor) at 27210 Altamont Road for Ground Space for a New Wireless Communications Facility at Westwind Barn – Reso #22-06
- 4.9 Approval of Proposed Lease with Cingular Wireless (Leasee) and the Town of Los Altos Hills (Lessor) at Town Hall, 26379 Fremont Road for Ground Space for a new Wireless Communications Facility – Reso #23-06
- 9.3 Consideration of Council Approval in Principle of an Expansion to the Los Altos Library Funded by the Virginia Whipple Bequest

Item removed for discussion:

- 9.2 Consideration of Co-Sponsorship of Hidden Villa Concert Series – Mayor Pro Tem Warshawsky

Councilmember O'Malley requested additional information on this item. Councilmember Mordo noted that the Community Relations Committee had reviewed the proposal from Hidden Villa and voted unanimously to recommend approval of the request for Co-Sponsorship of the concert series and the \$5000 funding to launch the new venture. The Committee has agreed to serve as a support auxiliary to Hidden Villa for

the concert services. Mordo clarified that the \$5,000 funding for the series was not part of the monies that would be budgeted as donation funding in the next fiscal year budget.

Acting City Manager/Planning Director Cahill advised Council that several minor administrative changes had been made to agenda items 4.8 and 4.9. Copies of the items with their changes were available to Council on the dais.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to approve the Consent Calendar with Mayor Pro Tem Warshaswsky and Councilmember O'Malley abstaining from consideration of agenda items 4.5 and 4.8:

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr noted that as reported by the Planning Director, the Planning Commission was reviewing an ordinance to provide incentives for solar usage. Kerr added that the Environmental Initiatives Committee was working on modifications to the Town's Building Codes to include additional energy efficiency requirements.

Acting City Manager/Planning Director Cahill reviewed the proposed ordinance with Council. He explained the two components to the energy efficiency proposal: 1) the zoning and site development issues being studied by the Planning Commission; and, 2) the building efficiency requirements being reviewed by the Energy Initiatives Committee. Cahill expected the latter to be moved forward for Council consideration at the April 27, 2006 Council meeting.

Councilmember Jones suggested that a town-wide notice be sent to residents advising them that Council was considering an ordinance that would modify the Town's building codes to implement a more energy efficient requirement than Title 24. He noted that this would directly affect every resident who was planning to build a new residence.

Council briefly discussed the mailing. Council consensus was to direct staff to send a postcard to residents advising them of the ordinance review when it was scheduled for a Council meeting.

5.1.1a Solar Energy System Report to the Packard Foundation

Mayor Kerr noted that included in the Council packet was a status report to the Packard Foundation on the Town Hall solar energy system that had been financed in part by a grant from the David and Lucille Packard Foundation. Kerr added that Council also had before them on the dais, statistics on energy usage at Town Hall that had been compiled by Administrative Services Director Ragsdale and were being forwarded to the State's

Energy Commission. Both reports illustrated that the Town was well on its way in achieving its energy consumption reduction goals.

5.1.2 Bringing Public Education Back to the Hills

5.1.2a Recommendations from the Public Education Committee Regarding Council Consideration of a Resolution on Public School District Reorganization.

Mayor Kerr offered that public comment would be taken following the presentation by the Public Education Committee and the speaker's time limit would be amended to three (3) minutes for school officials.

John Radford, Public Education Committee, welcomed the residents and guests in attendance and thanked Council for the opportunity that had been given to the Public Education Committee (PEC) to offer recommendations on a resolution to reorganize (redistrict) public education in Los Altos Hills. Radford introduced PEC member Kathleen Justice-Moore. Moore was available to answer any questions regarding redistricting.

Radford provided an overview of the recent appearance and comments of Tim Justus, Superintendent, Los Altos School District at the January 12, 2006 City Council meeting. Justus had suggested that the Bullis-Purissima school could potentially reopen in 2008-2009 school year with several grades added to the existing kindergarten program that was currently in place at the campus. Justus did not speak to many of the outstanding issues that included: where the students would come from, current district/Town demographics, the success of the Bullis Charter School; or the division of the Town by two separate school districts. Radford suggested that the reopened school could be a district or magnet school but would not be a neighborhood school for Los Altos Hills children.

He proposed a different option to returning public education to Town and suggested that if action were taken quickly, the Town could form their own school district K-8 and open a school in 2008-2009 at the Bullis site that would serve the neighborhood kids. Radford acknowledged that the City Council had an opportunity to set history by passing the resolution before them to start the process for redistricting.

Radford proceeded with a PowerPoint presentation titled "Los Altos Hills Public Education Committee, Recommendation for a Council Resolution to Reorganize Public Education in Los Altos Hills, March 23, 2006."

Radford reviewed the mission and duties of the Public Education Committee (PEC) formed by the City Council in 2003 and the eleven member roster, noting that the members represented all areas of the Town and both districts. Radford acknowledged that contrary to the misconception that the committee membership was heavily weighted with parents of Bullis Charter School students, only three had children at the Charter School and three members did not have children of school age. He added that all of the members were committed to education and returning a public school to Los Altos Hills

and as chartered, have reviewed and evaluated a matrix of options to return public education to Town.

Radford provided an illustration of the current school boundary map that divided the Town into two distinct school districts-Los Altos School District/Mountain View-Los Altos Union High School District and Palo Alto Unified School District. The Palo Alto Unified School District (PAUSD) K-12 served part of the Town while the Los Altos School District (LASD) served the other part of Town. LASD fed into the Mountain View/Los Altos (MVLA) high schools. Radford noted that the school boundary line had created situations where children on the same street often go to different schools.

Radford identified the four (4) Los Altos Hills schools that had been closed by their respective districts. He offered that they were not closed by the Los Altos School District or Palo Alto Unified School District because of funding issues or lack of student enrollment and today, the closed campuses serve as revenue streams for both districts.

Radford reviewed a spreadsheet titled "The LAH Revenue Profile" that provided the student counts, property and parcel tax revenues and the dollars per Los Altos Hills student that went to each school district. The total student count was 957 with \$15,591.985 of property and parcel tax revenue and \$16,293 per LAH student.

Radford provided an overview of the PEC Survey of September 2004 conducted by Godbe Research whose findings had shown a willingness of Town residents to redistrict. The professional, statistically-significant survey found that 65% of survey participants favored redistricting but there had not been a majority for a specific path. The complete report was available on the Town's website.

Radford reviewed the Los Altos Hills current student population numbers that justified a Los Altos Hills K-8 neighborhood school: 450 K-6 students and 611 K-8 students. He proposed that the numbers were understated; 40% of the children in Los Altos Hills attended private school and he expected some enrollment from these numbers. The Committee concluded that the student population, resident support and revenue profile supported a rationale for a K-8 school and had spent numerous months reviewing options for a school that included: joint district charter school, joint district neighborhood school, and the BCS returned to Los Altos Hills. The Committee had spoken with district officials but without a positive resolution. Radford noted that one success had been the legal stance that the Council had taken at the request of the PEC to stop LASD from a long term lease with commercial daycare providers at the Bullis site. He concluded that if Council had not moved forward with legal action, the campus would no longer be an option for Town residents.

Radford reported that the Public Education Committee, at their March 21, 2006 meeting, had voted unanimously by a 10-0 vote with the Chair abstaining to recommend that the City Council issue a resolution to the Santa Clara County Committee on School District Organization to reorganize public education in the Town of Los Altos Hills by forming a new Los Altos Hills school district. The Council resolution would call for the removal of the district boundary line that currently divided Los Altos Hills between the PAUSD and

LASD/MVLA. He noted that the unanimous vote was after the Committee had spent numerous hours reviewing different options for two and a half years and arriving at the conclusion that the only viable solution was for the Town to form their own district.

Radford reviewed the two options favored by the PEC for redistricting: Option A- Los Altos Hills K-8 that would feed into one high school: PAUSD for 9-12; and, Option B- Los Altos Hills K-12 with students attending high school of choice based on Inter-District Transfers.

Option A: Los Altos Hills K-8 plus Palo Alto Unified School District high school. Radford offered that this option would provide autonomy for K-8 and eliminate the boundary line for high school, allowing all children to go to one high school. This had been contemplated by the Education Code and was referred to as a Thompson style opt-out unification. The majority of the Public Education Committee favored this option and the draft resolution before Council reflected this proposal.

Option B: Los Altos Hills K-12. This option called for a Los Altos Hills high school to be formed within five years. During the interim, students would have the option to choose their high school and the LAH district would rely on agreements with the PAUSD and MVLA. Inter-District Transfer terms would be negotiated before reaching the State Board of Education as part of the Reorganization Plan. Radford acknowledged that the PEC had also supported this option but it was their second choice.

Radford reviewed the steps in the redistricting process that included: 1) City Council resolution delivered to the Santa Clara County Office of Education where the staff would thoroughly investigate the Town's "nine criteria" for redistricting; 2) the County Committee on School District Organization convenes multiple hearings in the affected districts and then votes to approve or reject the request for redistricting; 3) if the County Committee approved the request, the approved resolution would be sent to the State Board of Education where additional hearings would be convened. If the County Committee rejected the resolution, a petition signed by 25% of the registered Town's voters would move the resolution forward to the State Board for their consideration. If the State Board of Education approved the request, they would issue a ballot number and identify the designated area to be reorganized (Los Altos Hills) that would vote on the reorganization in the next election. A majority vote would be required to pass the measure and the new district would become effective in July of the following year.

In conclusion, Radford stated that Bullis-Purissima school had been closed for three years and during that time the Council and Committee had pursued every feasible option to return public education to the Town. He suggested that the only remaining viable solution was for Council to approve a resolution to be delivered to the County Committee requesting their direction and guidance. Radford noted that time was of the essence in moving the resolution through the process to ultimately be voted on by the residents at the November 2007 election. If the ballot measure was successful, Bullis would reopen as a Los Altos Hills school in 2008.

Consensus of Council was to hear comments from the School Superintendents and District Board members in attendance first and to amend their comment time to three minutes.

OPENED PUBLIC COMMENT

David Pefley, Los Altos School District Board Member, Los Altos Hills resident, suggested that there was a “new team” directing the LASD and as a newly elected official, he was looking forward to serving on the Board. He acknowledged that he had actively worked to prevent the closure of Bullis School and was saddened when the school where his children attended was closed. Pefley suggested that with the new demographics and changes in the economy, the Board was actively reviewing a “best plan” for the Bullis site to be remodeled and reopened. An architect had been hired and the Board was reviewing refinancing options for the work. He hoped the Community would grant additional time to the District to work towards common ground. Pefley suggested a ninety (90) day delay in the Council vote on redistricting and offered that the interval be used for meetings between the different factions to find an amenable solution. He suggested that the redistricting process would polarize the community.

Tim Justus, Superintendent, Los Altos School District, addressed Council. He offered that both districts that served the Town provided an excellent education. He questioned if the education provided to the Town’s students in a different location than the Bullis campus had been less effective and warranted a change. He understood the value of a school campus as a community asset and explained that the district was looking forward to reopening the facility.

Councilmember Jones thanked Justus for appearing and spoke to a recent letter that had been authored by Justus regarding the district’s plans for the Bullis site. Jones noted that the plans for the school looked vague and requested if there were more concrete plans for: a timeline of reopening the school; the district’s commitment to the project; and, the form of the school. Justus explained that teachers, board members and district staff had been working on the plan to reopen the school. He expected the construction to begin in the Spring of 2007. Justus offered that the final determination for the school form would need to be approved by the School Board but he expected it to be a K-6 elementary school.

Mayor Kerr asked if the district was still considering the option of a magnet school. Justus responded that the district was now looking at a K-6 elementary school for the site. He acknowledged that he would be open to a subcommittee of the LASD being included in discussions/negotiations with the Council and PAUSD to find a resolution to the issue.

Rich Fischer, Superintendent, Mountain View-Los Altos Union High School District, noted that he had participated in the CPR discussions as a “neutral” and concurred that it had been frustrating effort that had concluded without achieving a resolution to the issue. He hoped the Council would consider granting more time to the neighboring districts to negotiate an amenable solution. Fischer noted that he had not been invited to share his opinion on the redistricting plan and suggested that it would take students away from the

district and ultimately, have a negative financial impact on the MVLA district. He requested that the district be included in any negotiations for a solution. Fischer offered that if the Council passed the resolution, he would recommend that his district revise their three year budget for 12 % less funding and proposed that the revision would reduce programs for the students. He suggested that the funds would be needed for defensive action.

Fischer agreed that he would be supportive of a subcommittee of his board joining with representatives of the LASD, PAUSD, the Bullis Charter School Board and City Council for discussions to reach a “negotiated settlement.”

Bill Cooper, Los Altos School District Board member, Los Altos resident, stated that he was genuinely sorry that the Board had to close the Town’s school. He explained that his charge as a Board member was to cast his votes for the best interest of all students in the District. Cooper confirmed that it was the LASD’s plan to reopen a renovated facility at Bullis and encouraged the residents to participate in the planning stages. He asked the Council to take this into consideration when deliberating the vote of the redistricting resolution. Cooper volunteered to serve on any negotiating subcommittee as a member representing LASD. He suggested that the Board was open to discussion of all proposed options.

Judy Hannemann, Mountain View-Los Altos Union High School District Board member. She offered that the District served students from three communities: Los Altos, Los Altos Hills and Mountain View. Hannemann stated that she cared deeply about the communities and the kids. She served on the CPR (Committee for Public Reconciliation) that was formed to discuss the issues that were causing great rifts in the communities and schools and offered that she was well aware of the complexities surrounding the issue. Hannemann expressed her concern that redistricting would have long term implications that would affect many and have many dire consequences. It would be costly, lengthy and divisive and encouraged the Council to continue their discussions to find a solution that did not require legal action.

Mark Goines, Los Altos School District Board member, Los Altos resident, offered that the Public Education Committee had helped put some clarity to the history of school closures in Los Altos Hills. He requested that Council defer any action on the resolution before them and consider resolving the issue at the community level. Goines stated that he would request an agenda item on the next school board meeting to form a subcommittee to work with the Town and other “bodies” (districts, organizations, residents). He suggested that the Council could revisit the resolution at a later time if the discussions did not resolve the issue at the community level.

Goines acknowledged that he supported the Bullis Charter School being included in the discussions and was a proponent of them being a part of the solution and sharing the Bullis-Purissima facility.

Gerald Matranga, Associate Superintendent, Palo Alto Unified School District, addressed Council. He explained that he was in attendance to monitor the meeting and was a

neutral observer. Matranga added that the Los Altos Hills students and their families were an integral part of the Palo Alto School community and a valued asset. He noted that the District had a proven excellent education program.

Martin Neiman, Bullis Charter School Board member, stated that he had participated in the CPR process. He noted that his remarks were personal and not on behalf of the Board. He was hopeful that the conciliatory statements being made by LASD were positive signs but he questioned why it had taken so long. Neiman favored the Council moving forward with the resolution and forwarding it to the County Committee and suggested that the resolution could be rescinded if a successful resolution to returning public education to the Hills was reached.

Alexander Atkins, resident, offered that this was an historic pivotal moment in the history of the Town that afforded an opportunity for the Town to move towards full self governance favored by the Town's founders and expressed in the "Green Sheets".

John Swan, Public Education Committee member, supported moving forward with the redistricting process in parallel with negotiations with the school districts. He noted that the Committee had been investigating a viable solution to returning public education to the Town since its inception and if they had not supported the Council's legal action to stop the long term lease to commercial day care providers, the Bullis site would not be available today.

Marsha Bowden, Los Altos Hills resident, PTA President, Terman Middle School, stated that the Los Altos School District and Palo Alto Unified School District provided quality education. She questioned the need for the Town to create a school district. Bowden expressed her concern that the action would have a serious financial impact to residents and school districts and suggested that property values would go down if residences were no longer in the PAUSD.

Eric Ramberg, Sherlock, spoke in favor of redistricting.

Stanford Young, Murietta Lane, commented that the recent movement and comments from the Los Altos School District Board were to be applauded but historically there had been vacillation back and forth on the issue. He favored redistricting and suggested that it would allow the Town to be in command of their own destiny which was now out of their control as the minority in both districts.

Ann Wolff, Los Altos resident, PTA Co-President-Covington, stated that she was speaking on behalf of the 117 students from Los Altos Hills at Covington. She offered that they were universally happy with LASD and that there was concern that if the Town were to establish their own district there was no guarantee that the children could continue their education at Covington. Wolff stated that the Los Altos Hills parents did not perceive any problem with their children's education and they were part of a cohesive family at Covington.

Joan Schlenz, Paseo del Roble, commented that she resided in the Palo Alto Unified School District and strongly opposed redistricting. She suggested that there was no problem with the quality of education and believed the change could hurt property values and offered that it would be appropriate for the Town residents in the PAUSD to be able to vote on the issue.

Ron Haley, La Rena Lane, believed that the test scores from the Los Altos School District were garnered through cheating. He noted the cuts in the staff support for the District and questioned where the money was going.

Elena Shey, Los Altos resident, PTA Co-President, Covington School, urged the Council to let Los Altos Hills' families keep their education choices-Los Altos School District, Palo Alto Unified School District and the Bullis Charter School. She suggested that redistricting would ruin the choice for Los Altos Hills' families; cost time, energy and money; and have a negative affect on Los Altos Hills property values.

Fred Gallagher, Los Altos Hills resident, supported the Public Education Committee's recommendation to the Council and encouraged them to move forward with the redistricting resolution. He thanked the Council for their efforts to return public education to the Hills and suggested that a new district was the right solution for the kids and their families and urged them not to delay their action.

Stan Mok, Los Altos Hills resident, referenced the Los Altos parcel tax that was being assessed on residents taxes that was funding programs and schools in Los Altos but no neighborhood school in Los Altos Hills. He urged the Council to approve the resolution and added that it could be rescinded if a successful solution was reached with the district to return public education to the Town.

Valerie Lauterbach, Los Altos Hills resident, noted that she had three children who were currently enrolled at the Bullis Charter School. She expressed her surprise on the comments that had been made by representatives of the districts at the meeting, noting that they were all very short term (3-5 years).

Resident, spoke in favor of Council adoption of the redistricting resolution. He believed that the reopening of the Bullis campus as an elementary school would not solve the issue of the Town being divided by the school boundary line.

Dennis Ricardo, Los Altos Hills resident, explained that his child was enrolled at a private school. He supported the Council delaying any action on the resolution for ninety days and continuing discussions noting the potential financial impact on the districts if the Town should form their own school district.

Los Altos Hills resident, commented that the Bullis campus would not be a neighborhood school for all residents of the Town. He resided in the southern portion of Los Altos Hills and did not want his child to have to commute to Gunn for high school.

Zsuzsanna Molnar, resident, explained that she did not have a school-age child but did pay property taxes and she was appalled at the inflexibility of the school district regarding the Bullis school issue and supported the Council moving forward with redistricting.

Eric Clow, Central Drive, stated that he appreciated the City Council's strength and resolve throughout this process. He suggested that the Los Altos School District could show their good faith by providing parcel tax revenues to the Bullis Charter School.

Belle Griffiths, Roble Alto Court, had a child currently enrolled in the Palo Alto Unified School District and suggested that a school at the Bullis site would not be a neighborhood school for many residents. She believed that the issue should be quality education and she expressed her concern that redistricting would have a negative financial impact on the school districts and did not support adoption of the resolution.

Resident, offered her opinion that the Los Altos School District provided a good education but that the program at the Bullis Charter School was more exciting and provided a creative and innovative education. She supported the reopening of the Bullis-Purissima campus.

John Radford, La Paloma Road, was pleased to hear Superintendent Justus discuss a K-6 school returning to the Bullis site but he questioned who would be enrolled as the student body. Radford wanted a neighborhood school. He believed it was imperative to get an agreement from Palo Alto Unified School District for inter-district enrollment and to move the Bullis Charter School to the Bullis site to establish a neighborhood school.

Dave Beyer, Elena Road, expressed his frustration with the school districts using his kids as political pawns. He suggested that the districts seemed to value them more for the money they represented. Beyer supported redistricting.

Peter Evans, La Loma, stated that this was the beginning of a process and offered that it was important to consider the decision as a fifty year decision and view it in the context of what it would mean for the future of the Town. He favored Council taking action on the resolution and moving the redistricting effort forward with the ultimate decision going to a vote of the residents. Evans encouraged the Council to have the courage to approve the resolution and chose the path that would unite the Town and ensure that public schools return to the Town.

Mark Breier, Esperanza, stated that he was one of the founders of the Bullis Charter School and suggested that the notable successes of BCS were proof that you can do better than the public school system. He suggested that it was not in the best interest of the Los Altos School District to accommodate Los Altos Hills. He strongly supported the Council passing the redistricting resolution and moving forward with the process, noting that it was the only negotiating value the Town possessed.

Duncan MacMillan, Natoma Road, explained he had children currently enrolled in the Palo Alto Unified School District. He supported a neighborhood school in Los Altos

Hills and believed it would provide a sense of community. MacMillan added, that if Council continued their decision on the resolution, it should be for a short time frame.

Shari Emling, Murietta Lane, thanked the City Council for their efforts to return a public school to the Town. She reminded everyone that the parcel tax campaign had been focused on “saving your local school” and after the tax measure passed, they closed the local school. She was tired of waiting for a solution and encouraged the Council to pass the resolution and if Council wished to continue the discussions with the districts, to do so in parallel with the redistricting process.

Sanjay Uppal, Magdalena Road, commented that he was of the opinion that there was a crisis situation in education. He offered that the Town was unique in its concentration of high tech and environmental leaders and urged the Council to move forward towards self organization. He suggested that the division of the Town by a school boundary was fractious.

Marlin Miller, Taaffe Road, explained that he had spent numerous hours in the CPR negotiations that had ultimately failed. He spoke to the history of losing schools in Los Altos Hills and the districts that closed them that were suppose to serve the community. Miller noted that the Town had been without a neighborhood school for three years and believed that it was important to return public education to the Town. Miller’s children were enrolled at Bullis Charter School.

Nancy Kellum, Esperanza, offered that the demographics of schools was cyclical and favored the Town having the ultimate say over when schools should be closed or enlarged. She did not believe LASD or PAUSD had been good stewards of public education for the Town and strongly urged the Council to approve the resolution and move forward with redistricting.

Chris Vargas, Templeton Place, encouraged the Council to consider the following in their deliberations to find a solution for “real needs”: 1) was there really a need for a new eighth Los Altos School District school? Vargas did not think this was necessary with the choices in place of Covington, Bullis Charter School and private schools; 2) he encouraged the Council to think long term and consider the needs of future Town residents that would most likely desire a neighborhood school; and 3) to think about creating fairness. Vargas displayed a map of the Los Altos School District campuses and questioned if the location of all of the campuses within the boundary of the City of Los Altos was fair. He displayed a map of the Palo Alto Unified School District schools and all campuses were located in the City of Palo Alto. Vargas acknowledged that no one had the “right” to a neighborhood school but that everyone had a right to be treated fairly. He encouraged the Council to embrace discussions with the districts and suggested that the LASD recognize that the Bullis Charter School was an excellent public school that would serve the needs of Los Altos Hills and the school district. Vargas requested that the Council reassess the need for redistricting if there were positive results from the negotiations.

Richard Johnson, Arroyo Oaks, long term resident explained that it would be difficult for children in the southern portion of the Town to attend the “neighborhood” school at Bullis. They can now ride their bikes and walk to the Loyola campus.

Jitze Couperus, Page Mill Road, offered that with the suggestion of possible redistricting, the school districts have finally come to the negotiating table. He noted that this “2x4” was an effective tool and not to discard it because people have voiced a willingness to talk about the issues.

Roger Burnell, Black Mountain Road, standing committee(s) member, speaking as a resident, suggested that the removal of the arbitrary school boundary would have a unifying effect on the community. As an educator, Burnell suggested that it should be the Town’s goal to have the finest schools in the Nation not merely in the State. He expressed his support for the redistricting resolution and believed it was important for the Council to take a stand on principle and design their own destiny as the Town’s founding fathers had expressed in the “Green Sheets”. He urged the Council to approve the redistricting resolution. Burnell distributed to Council a list of sixteen (16) points that summarize critical support for the resolution.

Kathy Evans, La Loma Drive, urged the Council to adopt the Council resolution recommended by the Public Education Committee. She believed the formation of a new district was the only way to guarantee the return of public education to the Town. Evans noted that the Committee had spent the last three years evaluating and researching a solution to the education issue and had determined that this was the only viable answer and that the action of redistricting was supported by the majority of the community. Evans reviewed the redistricting timeline with Council and suggested that it was necessary for the Council to adopt the resolution and move it forward to the County Committee by the end of the month.

Jim Abraham, Viscaino Road, noted that he resided in the Palo Alto Unified School District and suggested that more voters would approve the redistricting ballot measure if it called for Gunn High School to be the school that Town students would feed into.

Linda Swan, Burke Road, urged the Council to pass the resolution and not delay the vote. She reviewed comments that the school district officials had made during the meeting and suggested that the Town residents were tired of waiting and it was time for change. She believed the closure of Bullis had opened the eyes of residents to their education options and the community would succeed if given the opportunity.

Resident, Ascension Drive, supported Council approval of the resolution to form a Los Altos Hills school district. He believed it was important to regain the school facilities for community use and encouraged the Council not to delay their decision and to move forward and take advantage of the momentum.

Allison Atkins, Orchard Hill Lane, thanked the Council and the Public Education Committee for their efforts to return public education to the Hills. She urged the Council to move forward and unite the Los Altos Hills community with their own school district

that would ensure a community school for the next fifty years. Atkins spoke to her experience of growing up in Los Altos Hills with children enrolled in separate school districts and the division that this created in the community.

Resident, La Rena Lane, offered that the Town was currently divided into three “Towns”: residents whose children attend Palo Alto Unified School District; residents whose children attend Los Altos School District; and, residents whose children attend the Bullis Charter School. He suggested that the formation of a Los Altos Hills school district was an opportunity to unify the Town and was supported by 2/3 of the residents who participated in the public education survey.

CLOSED PUBLIC COMMENT

Mayor Kerr thanked the audience for their attendance and comments.

COUNCIL DISCUSSION

Councilmember Jones thanked everyone for their attendance. He provided an overview of the creation, membership diversity, charter and efforts of the Public Education Committee to find a viable solution to the question of returning public education to the Town. As the Committee’s Council Liaison, he had observed their deliberations to investigate all of the issues and spoke to the unanimous vote of the Committee to recommend approval of the resolution before Council.

Jones explained that the issue of redistricting was a complex political and legal issue. It was initially an elementary school decision but now due to state law, it involved the high schools. Jones offered that the inclusion of Gunn High School as the school that the Los Altos Hills school district students (k-8) would feed into was non negotiable and a critical component of the redistricting plan for it to succeed.

Jones offered his reasons for considering a delay in the resolution. He believed that people of good faith were now discussing the issue. Jones noted that the Los Altos School District Board had newly elected members including a representative from the Hills and a new Superintendent. All had voiced their interest in bringing public education to the Hills. He suggested that a practical short term solution to the issue that had been suggested by a Los Altos District Board member during public discussion of the agenda item was the shared use of the Bullis site by the Bullis Charter School and the District but this did not resolve the issue of the access for students to PAUSD inter district transfers.

Jones favored Council approval of the resolution in favor of redistricting that included the structure contemplated by the State Education Code but with a thirty day delay in delivering the resolution to the County Committee. The thirty day time period was one day beyond the next City Council meeting and would give the Council an opportunity to consider if there was clear evidence of progress towards a negotiated solution. He suggested that this would give “people of good faith” the opportunity to solve the problem but not deter the momentum behind redistricting.

Councilmember O'Malley used an analogy of poor business customers and billing requirements to describe the way the Los Altos School District had treated the Town and the residents. The District had campaigned fiercely for approval of the bond measure and had offered that Bullis would be one of the first schools considered for improvements and then closed Bullis. O'Malley spoke to his experience of speaking before the LASD Board and their indifference to the closure and their treatment of the Bullis Charter School both during its inception and with the facilities, resources and equipment they provided. He suggested that the District would be considered poor risk customers and payment would be required in advance. O'Malley reviewed the Council decision to take legal action against LASD when they had plans to enter into a long term lease for the Bullis facility to a commercial establishment with no ties to public education. He noted that this had been a dramatic decision but a necessary one and offered that it was now very difficult to give any credence to the comments being made by the School District and suggested that if the District had allowed the BCS to occupy Bullis, it would not be necessary for Council to now be entertaining the idea of forming its own school district. O'Malley supported Council adoption of the resolution and moving forward with the process without delay. If there was empirical data that an acceptable agreement had been reached, then the redistricting could be revisited at that time.

Councilmember Mordo concurred with Councilmember O'Malley's comments. He suggested that the issue of redistricting was not dividing the Town but the movement instead had unified many different factions. He was emphatic in his support of Council adoption of the resolution and strongly supported no delay in forwarding the resolution to the County.

Mayor Pro Tem Warshawsky thanked the Public Education Committee for their efforts in seeking a solution to returning public education to the Town and for their presentation that had clearly defined the history of the issue. Warshawsky offered that education was not just only test scores but a sense of community and relationships. He spoke to the school boundaries that divided the Town and his belief that this was not an ideal situation for education. Warshawsky did not believe that the formation of a new district would impact property values and noted that 40% of the residents had their children enrolled in private schools. He suggested that community involvement improved education and offered the enthusiasm of the parents for the Charter School and its great success. Warshawsky explained that the Town had sought an amenable solution to returning education to the Hills but were met with adversarial tactics and the lack of assistance had resulted in the resolution before Council. He supported Council adoption of the resolution and not delaying delivery of the resolution to the County Committee, expressing the belief that it was appropriate for the Town to be in charge of their own destiny. He noted that he would be willing to listen if there was a viable solution presented to Council in the future.

Mayor Kerr offered that he has been committed to resolving the critical issue of returning public education to the Hills. He liked the "end game" of redistricting but noted that it was a lengthy process that the community would be embarking on and wished to protect as many of the interests of the surrounding communities as possible. He favored Councilmember Jones' recommendation that the Council delay for thirty days. Kerr

wanted a decent school site for the Bullis Charter School and the Town to have a voice in how the Bullis campus was to be rebuilt.

Council discussion ensued. Mordo suggested that adoption of the resolution did not impede negotiations going forward and possibly would serve as an incentive to reach an agreement.

City Attorney Mattas reviewed the options before Council. He noted the structural options that the PEC had noted in their presentation for redistricting: a K-8 program or a K-12 unified district and the option of approving the resolution and delivering the resolution to the County. Council could vote to approve the resolution and direct to not deliver the resolution for an agreed upon time but if they approved the resolution and delivered it to the County, the County Committee by legal statute was compelled to begin the process. Mattas added that the resolution from the Public Education Committee that was before Council included the K-8 approach and if Council should choose the K-12 unified approach, he possessed resolution that he would make available.

Councilmember Jones concurred that there was a unanimous consensus of the Council that waiting for the Los Altos School District to re-open a school on the Bullis campus was too little, too late and Council was seeking a quick and guaranteed solution. He did not believe that a thirty day delay would hinder the success of redistricting and there was value in giving some time to see if a viable and acceptable solution could be reached. He supported Council voting on the resolution but holding delivery for thirty days.

Jones reviewed the options for a K-8 and K-12 school district. He supported the K-8 with students matriculating to PAUSD's Gunn High School (reverse Thompson plan). Jones noted that this option was the most politically feasible and legally did not require legislation in Sacramento.

Mayor Kerr expressed his opinion that he had hoped for a redistricting plan with more options but believed it was imperative that the Council reach consensus on a redistricting plan. He suggested that sending the resolution to the County would change the focus of the negotiations from compromise and debate into the legal arena. Kerr expressed his support for time to negotiate but believed it was essential for the Council to reach a unified consensus and a unanimous decision. He pledged his availability to meet with Los Altos School District representatives to seek a solution.

Councilmember Mordo questioned what negotiated solution would be better than redistricting and expressed his concern that there would be no legal validity to the agreement, and the possibility of the District requesting additional time. He believed this would afford them the opportunity to divide the residents, possibly at the sacrifice of the Charter school.

Councilmember O'Malley reiterated Council support for the Bullis Charter School and noted that Council would never abandon the School. He suggested that it would possibly be productive to give the district an additional thirty days for discussions. This would be

a positive public relations move and illustrate that the Town was open to discussions before moving forward with the redistricting process.

Council determined that it would be appropriate to vote on the issue of the resolution and the timing of the delivery to the County Committee as two separate motions.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed by the following roll call vote to adopt the resolution recommended by the Public Education Committee to create a Los Altos Hills K-8 school district that would feed into the Palo Alto Unified School District for high school. Resolution No. 25-06.

AYES: Mayor Kerr, Mayor Pro Tem Warshawsky, Councilmember Jones,
Councilmember Mordo and Councilmember O'Malley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed by the following roll call vote to delay delivery of the approved resolution (Resolution No.25-06 to the County Committee until the day after the April 27, 2006 City Council meeting.

AYES: Mayor Kerr, Councilmember Jones, and Councilmember O'Malley
NOES: Mayor Pro Tem Warshawsky and Councilmember Mordo
ABSENT: None
ABSTAIN: None

Councilmember Jones volunteered to meet with the official representatives of the Districts and Bullis Charter School and to devote time to reach an agreement that would return public education to Los Altos Hills.

Mayor Kerr volunteered to join Councilmember Jones in the dialogues.

Councilmember Mordo noted that the two no votes on the prior resolution had participated in three months of negotiations on the public education issue as CPR participants.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley and passed unanimously to establish a Council subcommittee of Mayor Kerr and Councilmember Jones to act as the negotiating body of Council with the School Districts and Charter School.

COUNCIL RECESSED AT 9:25 p.m.

COUNCIL RECONVENED TO OPEN SESSION AT 9:50 p.m.

5.2 Underground Project Status Report

Mayor Pro Tem Warshawsky advised that a sub-committee of the Ad Hoc Undergrounding Committee had discussed different financing options for a town-wide undergrounding project with the City Attorney. The Committee at their April 5, 2006, meeting had scheduled a review of the discussions. He proposed that the next step in their review of the feasibility of the project would be a scheduled meeting with the Finance and Investment Committee.

5.3 Update on General Plan Review

Councilmember O'Malley reported that the General Plan Ad Hoc Committee was continuing to meet every two weeks and were making reasonable progress on the review.

5.4 Status of Town Pathways Projects

City Engineer/Public Works Director Henry Louie reported that the design element of the Foothill College path had been completed and sent out for final review. Staff suggested that a letter be sent to Foothill College formally advising them of their prior commitment to the project.

City Attorney Steve Mattas acknowledged that the draft agreement between the college and the Town for the path was currently under development by his office and he keep Council apprised of the status of the agreement.

Louie noted that Section 1A (Moody Road portion of the path) was ready to bid and advertisements and the bid package for the project were being prepared by staff. Section 1B was currently under environmental review. Louie expected the design for both segments to be completed by next month.

Mayor Pro Tem Warshawsky questioned the status of the pathway projects (maintenance) that had been developed by the Pathways Committee and submitted to staff. Louie reported that the work had been completed.

Councilmember Jones requested that Council receive a periodic update on the status of pathways projects identified in the master pathways plan (CIP projects) and maintenance list. Louie agreed to report out regularly to Council on the prioritized list of projects. Warshawsky added that he and the Pathways Committee would work with Louie on the effort.

City Engineer/Public Works Director Henry Louie reported that he had met with Stanford representatives to discuss the construction of the trail. Stanford was developing a detailed cost and construction plan for the project.

5.5 Arastradero Traffic Signals Update (Mayfield Project)

City Engineer/Public Works Director Henry Louie advised Council there was no new information to report on the Mayfield Project.

5.6 Adoption of Mid-Year Budget Adjustments – Reso#24-06

Councilmember Mordo summarized the report before Council. He reviewed the changes identified on page two and noted that they were primarily timing differences (carryovers from fiscal year 2005). The report included the current status of the fiscal year 2006 budget and the proposed adjustments to revenues and expenditures. Revenues and expenditures were projected to decrease by \$51,741 and \$63,287, respectfully. Details of the proposed changes were identified in the report.

Mordo acknowledged the efforts of Ragsdale to produce the accurate and effective report.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve Resolution No.24-06 adopting the mid-year budget adjustments for fiscal year 2006.

6. NEW BUSINESS

6.1 Discussion of Sewer Connection Fee Credits

Continued to the next regularly scheduled City Council meeting.

6.2 Discussion of Traffic Congestion at Fremont Road and Weston Drive (Pinewood School)

City Engineer/Public Works Director Henry Louie introduced this item to Council. Staff had investigated the traffic congestion at Fremont Road and Weston Drive at the request of Mayor Kerr. Following a field investigation, it was determined that the congestion was a result of the traffic circulation in the Pinewood school parking lot. Louie reviewed with Council a proposal to mitigate the existing traffic congestion that included improvements for the intersection and modification of the existing drainage system and pathways. He presented a PowerPoint presentation that illustrated the description of the work to be done including widening of the road and construction of a retaining wall to re-channel the existing drainage ditch and concrete curbing. The estimated cost of the project was \$66,700.

Council discussion ensued. They questioned if it was feasible to request the improvements be paid by the Palo Alto Unified School District. City Attorney Mattas explained that it was possible to approach the school district and Pinewood and explain that school traffic was creating a congestion problem and see if they were willing to participate in the cost of the improvements. He suggested that Council approach Pinewood first, since they were the users of the facility and the Town had regulatory

control over their use. To require payment of the expenses as an exaction, it would have to be part of a discretionary approval.

Acting City Manager/Planning Director Carl Cahill explained that there was some concern that the mitigation project could create cut through traffic in the surrounding neighborhoods.

Council discussion continued. Concerns were expressed that the project might change the rural character/appearance of the area and create cut through traffic.

There was no consensus of Council to move forward with the traffic mitigation improvements.

6.3 Monthly Financial Report

Councilmember Mordo explained that the format of the report before Council had been developed by the Finance and Investment Committee and Administrative Services Director Sarah Ragsdale. Historically the Town did not have a monthly financial report and the new report was expected to provide Council with useful, timely information on a monthly basis and offer insights into the timing of revenues and seasonality of certain revenues.

Mordo reviewed the Fund Summary and noted that it presented an overview by fund and included revenues, expenditures and transfers to date and ending fund balances. The summary page showed year-to-date revenues and expenditures as a percent of the budget. The individual fund statements provided more detail on the sources and uses of funds. The report also identified the variances between the current and prior fiscal year activity to date.

Mordo thanked Ragsdale for her effort and added that the report would be provided to Council on a regular basis on the consent calendar.

Councilmember Jones expressed his approval of the new report and offered that it would serve as excellent financial reporting tool.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

7.1 Presentation of Wildlife Survey Results – Roger Spreen, Open Space Committee

Continued to the next regularly scheduled City Council meeting.

COUNCIL REPORTS

Councilmember Jones, Ad-Hoc City Manager Search Committee, would be meeting with Paul Kimura, Avery Associates to review the search parameters. He explained that

Councilmembers would be interviewed by Kimura regarding their expectations of the position and input on defining the role of the City Manager/City Council.

Councilmember O'Malley reported that he and Councilmember Mordo, Carl Cahill and Henry Louie had met with the City of Los Altos and their respective representatives to discuss the sewer agreement. O'Malley reported that it had been determined that there was enough sewer capacity to handle the needs of the southern part of the Town and the unincorporated area in the Town's sphere of influence however, there was some discussion that if the sewer required an upgrade once it reached capacity, the City of Los Altos was looking to the Town to bear the improvement costs. O'Malley noted that the Town was going to bring in a consultant to review the current status of the sewer system.

Councilmember Mordo added that the consultant would attempt to establish how close the sewer was to capacity.

City Engineer/Public Works Director reported that he had received seven applications for the interim 25 sewer capacity rights.

Councilmember Mordo reported that the Los Altos Hills County Fire District had voted to approve the Council's request to increase their brush chipping program provided by McClenahan to twice a year on a trial basis in 2007.

Mayor Kerr advised Council that there was a Board member vacancy on the Bay Area Air Quality Management Board and he would be happy to provide application information to any interested Council Member.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

City Attorney Mattas reported that in preparation for tonight's meeting he had worked with the Public Education Committee's legal counsel on redistricting, Marguerite Leoni and possibly incurred costs over the approved budget. Associated costs would be paid by an addendum to the agreement under the City Manager's authority.

8.3 City Clerk

8.3.1 Report on Council Correspondence

The City Clerk advised Council that the Mayor had received a request for a letter from the El Camino Hospital Foundation in support of their annual gala and fundraising efforts. A draft of the letter to be included in the evening's program was before Council.

Mayor Kerr informed Council that he would be forwarding a letter at the request of the Town's Tax Equity consultant Greg Sellers to Assemblymember Cohen that Council was

supportive of the TEA legislation and advising her that a resolution would be forthcoming confirming this support.

9. COUNCIL-INITIATED ITEMS

9.1 Discussion of Proposed Review of Code Enforcement Procedures for the Town of Los Altos Hills – Councilmember Mordo

Councilmember Mordo explained that the request for this item to be agendaized for Council discussion had come from the frustration of the Town's inability to regulate open space conservation easement restrictions. He offered that the Town needed better tools to enforce their ordinances and in discussions with the Acting City Manager, it had been suggested that a consultant's review and recommendations on enforcement would be a productive measure. He sought Council approval to direct the City Manager to have a company that specializes in such a review at no cost, look at the Town's ordinances and evaluate them and make a proposal that would return to Council for their consideration.

Council discussion ensued. Acting City Manager Cahill explained that the ordinances had not been reviewed for some time and there were some clear flaws that might be considered for amendment. He cited the code enforcement appeal process, which permitted an appeal of code enforcement violations directly to the City Council without requiring them to first go through an administrative process. Cahill offered that there were probably ten issues each year but most residents comply with code enforcement notices. City Attorney Steve Mattas offered that his associate had a background in code enforcement and could discuss the issue with the City Manager.

There was no Council consensus to move forward with the proposed review of code enforcement procedures. Council consensus was that the current process was working.

9.2 Consideration of Co-Sponsorship of Hidden Villa Concert Series – Mayor Pro Tem Warshawsky

Considered under agenda item 4. Consent Calendar.

9.3 Consideration of Council Approval in Principle of an Expansion to the Los Altos Library Funded by the Virginia Whipple Bequest

Considered under agenda item 4. Consent Calendar.

10. PRESENTATIONS FROM THE FLOOR

Nancy Couperus, Page Mill Road, invited the Council and audience members to the annual Earth Day celebration at Westwind Barn on April 23, 2006. She noted that it was a wonderful family event and distributed a flyer with event information to the Council and audience members.

Randy Harr, Miranda Way, encouraged the Council to move forward with a cell phone tower ordinance that would be applicable to the placement of cell towers in Town. He suggested that if this were not in place soon, his neighborhood association would move forward to place the issue on the November ballot for a town-wide vote.

Acting City Manager/Planning Director Cahill suggested that the Planning Commission would be the appropriate body to review the request for an ordinance.

Consensus of the City Council was to direct the Planning Commission to review the Town's wireless facility policy and issues identified by Mr. Harr.

11. PUBLIC HEARINGS

Council adjourned to Closed Session at 10:35 p.m.

Mayor Pro Tem Warshawsky and Councilmember O'Malley recused themselves from participation in discussion of the Closed Session.

12. CLOSED SESSION

CLOSED SESSIONCONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956: 1 case

Council reconvened to Open Session at 10:45 p.m.

Report out of Closed Session: No action was taken.

13. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the Council at 10:45 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The March 23, 2005 City Council Meeting Minutes were approved as presented at the April 27, 2006 City Council Meeting.